

HB1274_L.001

HOUSE COMMITTEE OF REFERENCE REPORT

 Chairman of Committee

 Date
Committee on Education.

After consideration on the merits, the Committee recommends the following:

HB10-1274 be amended as follows:

1 Amend printed bill, page 3, strike lines 23 through 27.

2 Strike pages 4 through 8 and substitute:

3 **"SECTION 2.** 19-1-115.5, Colorado Revised Statutes, is
 4 amended BY THE ADDITION OF THE FOLLOWING NEW
 5 SUBSECTIONS to read:

6 **19-1-115.5. Placement of children out of home - legislative**
 7 **declaration.** (4) (a) THE RESPONSIBLE STATE OR COUNTY DEPARTMENT
 8 OF HUMAN SERVICES SHALL PROVIDE WRITTEN OR ELECTRONIC
 9 NOTIFICATION TO THE CHILD WELFARE EDUCATION LIAISON DESIGNATED
 10 IN A SCHOOL DISTRICT PURSUANT TO SECTION 22-32-138 (2) (a), C.R.S.,
 11 OF THE PENDING ENROLLMENT IN A PUBLIC SCHOOL OF A JUVENILE WHO:

12 (I) IS IN THE LEGAL AND PHYSICAL CUSTODY OF THE STATE OR A
 13 COUNTY DEPARTMENT OF HUMAN SERVICES;

14 (II) IS TRANSFERRING FROM A SECURE SETTING, INCLUDING A
 15 STATE-LICENSED DAY TREATMENT FACILITY, FACILITY SCHOOL, OR STATE
 16 HOSPITAL;

17 (III) IS TRANSFERRING TO A PUBLIC SCHOOL; AND

18 (IV) IN THE PRIOR TWELVE MONTHS HAS BEEN DEEMED TO BE A
 19 RISK TO THE COMMUNITY BY DEMONSTRATING BEHAVIORS THAT INVOLVE



1 THREATS OF OR ACTUAL PHYSICAL HARM, POSSESSION OF A DANGEROUS
2 WEAPON, INCLUDING A GUN OR KNIFE, SEXUAL MISCONDUCT, HAZING,
3 TERRORIST-LIKE THREATS, GANG ACTIVITIES, ANIMAL TORTURE OR
4 CRUELTY, OR AN ACTIVITY RESULTING IN THE FILING OF CRIMINAL
5 CHARGES.

6 (b) THE NOTIFICATION SHALL ALSO INCLUDE AN INVITATION TO
7 THE CHILD WELFARE EDUCATION LIAISON, OR HIS OR HER DESIGNEE IN THE
8 SCHOOL WHERE THE JUVENILE WILL BE ENROLLING, AT LEAST THIRTY DAYS
9 PRIOR TO THE JUVENILE'S TRANSITION FROM THE SECURE SETTING AND
10 SUBSEQUENT ENROLLMENT IN A PUBLIC SCHOOL, TO PARTICIPATE IN THE
11 DEVELOPMENT OF A TRANSITION PLAN FOR THE JUVENILE. THE RECEIVING
12 SCHOOL DISTRICT, CHARTER SCHOOL, OR INSTITUTE CHARTER SCHOOL IS
13 ENCOURAGED TO USE THE THIRTY-DAY NOTIFICATION PERIOD TO GATHER
14 MEDICAL, MENTAL HEALTH, SOCIOLOGICAL, AND SCHOLASTIC
15 ACHIEVEMENT DATA ABOUT THE JUVENILE, WITHIN THE PARAMETERS OF
16 STATE AND FEDERAL LAW.

17 (5) IF AN EMERGENCY PUBLIC PLACEMENT IS REQUIRED FOR THE
18 SAFETY OF THE IDENTIFIED JUVENILE, THE RESPONSIBLE STATE OR COUNTY
19 DEPARTMENT OF HUMAN SERVICES SHALL PROVIDE INFORMATION TO THE
20 CHILD WELFARE EDUCATION LIAISON, DESIGNATED PURSUANT TO SECTION
21 22-32-138 (2) (a), C.R.S., OF THE RECEIVING SCHOOL DISTRICT, CHARTER
22 SCHOOL, OR INSTITUTE CHARTER SCHOOL AT LEAST FIVE BUSINESS DAYS
23 FOLLOWING THE JUVENILE'S EMERGENCY PLACEMENT. THE INFORMATION
24 PROVIDED TO THE CHILD WELFARE EDUCATION LIAISON SHALL INCLUDE,
25 BUT NEED NOT BE LIMITED TO, EDUCATIONAL RECORDS FROM THE
26 TRANSFERRING EDUCATIONAL FACILITY AND AN OUTLINE OF THE
27 JUVENILE'S TRANSITIONAL NEEDS TO BE SUCCESSFUL IN THE PUBLIC
28 SCHOOL SETTING WHICH OUTCOME WOULD ASSIST THE DISTRICT IN
29 MEETING THE JUVENILE'S NEEDS AND ENSURING A SUCCESSFUL
30 TRANSITION, WHICH MAY INCLUDE A DESCRIPTION OF MENTAL HEALTH
31 NEEDS WITH THE CONSENT OF A PARENT OR LEGAL GUARDIAN OR, IF THE
32 JUVENILE IS FIFTEEN YEARS OR OLDER, THE JUVENILE'S CONSENT.

33 (6) THE RESPONSIBLE COUNTY DEPARTMENT OF HUMAN SERVICES
34 AND THE RECEIVING SCHOOL DISTRICT, CHARTER SCHOOL, OR INSTITUTE
35 CHARTER SCHOOL SHALL WORK COOPERATIVELY TO ENSURE AN
36 APPROPRIATE PLACEMENT IS MADE PURSUANT TO THIS SECTION AND
37 SECTIONS 22-20-108 AND 22-32-138, C.R.S., AS APPLICABLE.



1 (7) WITHIN THE CONFIDENTIALITY AND PRIVACY PARAMETERS OF
2 STATE AND FEDERAL LAW, THE RESPONSIBLE COUNTY DEPARTMENT OF
3 HUMAN SERVICES OR THE SENDING SCHOOL DISTRICT, CHARTER SCHOOL,
4 OR INSTITUTE CHARTER SCHOOL SHALL PROVIDE INFORMATION ABOUT THE
5 JUVENILE TO ASSIST THE RECEIVING ENTITY IN DETERMINING AN
6 APPROPRIATE EDUCATIONAL PLACEMENT FOR THE JUVENILE.

7 (8) ON OR BEFORE JULY 1, 2011, THE DEPARTMENT OF HUMAN
8 SERVICES AND THE DEPARTMENT OF EDUCATION SHALL ENTER INTO A
9 MEMORANDUM OF UNDERSTANDING CONCERNING THE ENROLLMENT OF
10 JUVENILES IN THE PUBLIC SCHOOL SYSTEM. THE MEMORANDUM OF
11 UNDERSTANDING SHALL INCLUDE, BUT NEED NOT BE LIMITED TO:

12 (a) A CONSISTENT AND UNIFORM APPROACH TO SHARING MEDICAL,
13 MENTAL HEALTH, SOCIOLOGICAL, AND SCHOLASTIC ACHIEVEMENT DATA
14 ABOUT JUVENILES, WITHIN THE PARAMETERS OF STATE AND FEDERAL LAW,
15 BETWEEN SCHOOL DISTRICTS, CHARTER SCHOOLS, INSTITUTE CHARTER
16 SCHOOLS, AND COUNTY DEPARTMENTS OF HUMAN SERVICES FOR THE
17 PURPOSES OF COLLABORATION IN THE PLACEMENT OF A JUVENILE
18 PURSUANT TO THIS SECTION AND SECTION 22-20-108, C.R.S., AND TO
19 FACILITATE THE CREATION OF A TRANSITION PLAN FOR A JUVENILE AND
20 ENSURE THE SAFETY OF THE PEOPLE IN THE SCHOOL COMMUNITY;

21 (b) A PLAN FOR UTILIZING EXISTING STATE AND FEDERAL DATA
22 AND ANY EXISTING INFORMATION-SHARING ACTIVITIES;

23 (c) A PLAN FOR DETERMINING ACCOUNTABILITY AND COLLECTING
24 DATA CONCERNING THE IMPLEMENTATION OF NOTIFICATIONS AND
25 INVITATIONS REQUIRED PURSUANT TO SUBSECTION (1) OF THIS SECTION,
26 THE NUMBER OF EMERGENCY PLACEMENTS OCCURRING IN A CALENDAR
27 YEAR, AND THE SHARING OF INFORMATION PURSUANT TO THIS SECTION;

28 (d) A PROCESS FOR DETERMINING INFORMATION SHARING AND
29 COLLABORATION FOR PLACEMENT OF JUVENILES PURSUANT TO SECTION
30 19-1-115.5 AND SECTION 22-20-108, C.R.S.;

31 (e) RECOMMENDATIONS FOR AN APPROACH TO SHARING DATA
32 THAT CONFORMS WITH THE INTERDEPARTMENTAL DATA PROTOCOL
33 ESTABLISHED PURSUANT TO SECTION 24-37.5-704, C.R.S., AND THAT IS IN
34 COMPLIANCE WITH ALL STATE AND FEDERAL LAWS, RULES, AND
35 REGULATIONS CONCERNING THE PRIVACY OF INFORMATION; AND



1 (f) IDENTIFICATION OF TRAINING AND PROFESSIONAL
2 DEVELOPMENT NEEDS ASSOCIATED WITH IMPLEMENTING INFORMATION
3 SHARING BETWEEN RESPONSIBLE ENTITIES AND FUNDING SOURCES THAT
4 COULD BE UTILIZED FOR THIS PURPOSE.

5 (9) (a) NOTHING IN THE SECTION SHALL ALTER THE RIGHTS AND
6 OBLIGATIONS OF THE DEPARTMENT OF EDUCATION OR ANY LOCAL AGENCY
7 CREATED PURSUANT TO TITLE 22, C.R.S.; 20 U.S.C. SEC. 1400 ET SEQ.; 29
8 U.S.C. ET SEQ.; 42 U.S.C. SEC. 11431 ET SEQ.; AND 42 U.S.C. SEC. 675 ET
9 SEQ., AS AMENDED BY THE FEDERAL "FOSTERING CONNECTIONS TO
10 SUCCESS AND INCREASING ADOPTIONS ACT OF 2008", PUB.L. 110-351.

11 (b) THE STATE OR COUNTY DEPARTMENT OF HUMAN SERVICES
12 SHALL CEASE TO HAVE RESPONSIBILITIES FOR A JUVENILE PURSUANT TO
13 THIS SECTION WHEN THE JUVENILE IS NO LONGER UNDER THE SUPERVISION
14 AND MONITORING BY THE STATE OR COUNTY DEPARTMENT OF HUMAN
15 SERVICES.

16 SECTION 3. Part 1 of article 2 of title 22, Colorado Revised
17 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
18 read:

19 **22-2-138. Department of education - out-of-home placement**
20 **- commitment - school enrollment - memorandum of understanding.**

21 (1) ON OR BEFORE JULY 1, 2011, THE DEPARTMENT OF HUMAN SERVICES
22 AND THE DEPARTMENT OF EDUCATION SHALL ENTER INTO A MEMORANDUM
23 OF UNDERSTANDING CONCERNING THE ENROLLMENT OF JUVENILES IN THE
24 PUBLIC SCHOOL SYSTEM. THE MEMORANDUM OF UNDERSTANDING SHALL
25 INCLUDE, BUT NEED NOT BE LIMITED TO:

26 (a) A CONSISTENT AND UNIFORM APPROACH TO SHARING MEDICAL,
27 MENTAL HEALTH, SOCIOLOGICAL, AND SCHOLASTIC ACHIEVEMENT DATA
28 ABOUT JUVENILES, WITHIN THE PARAMETERS OF STATE AND FEDERAL LAW,
29 BETWEEN SCHOOL DISTRICTS, CHARTER SCHOOLS, INSTITUTE CHARTER
30 SCHOOLS, AND COUNTY DEPARTMENTS OF HUMAN SERVICES FOR THE
31 PURPOSES OF COLLABORATION IN THE PLACEMENT OF JUVENILES
32 PURSUANT TO THIS SECTION AND SECTION 22-20-108, BETTER
33 FACILITATION OF THE CREATION OF TRANSITION PLANS FOR JUVENILES,
34 AND ENSURING THE SAFETY OF THE PEOPLE IN THE SCHOOL COMMUNITY;

35 (b) A PLAN FOR UTILIZING EXISTING STATE AND FEDERAL DATA



1 AND ANY EXISTING INFORMATION-SHARING ACTIVITIES;

2 (c) A PLAN FOR DETERMINING ACCOUNTABILITY AND COLLECTING
3 DATA CONCERNING THE IMPLEMENTATION OF THE NOTIFICATIONS AND
4 INVITATION REQUIRED PURSUANT TO SECTION 19-1-115.5 (4) (a) AND (4)
5 (b), C.R.S., THE NUMBER OF EMERGENCY PLACEMENTS OCCURRING IN A
6 CALENDAR YEAR, AND THE SHARING OF INFORMATION UNDER THIS
7 SECTION;

8 (d) A PROCESS FOR DETERMINING INFORMATION SHARING AND
9 COLLABORATION FOR PLACEMENT OF JUVENILES PURSUANT TO SECTION
10 19-1-115.5, C.R.S. AND SECTION 22-20-108;

11 (e) RECOMMENDATIONS FOR AN APPROACH TO SHARING DATA
12 THAT CONFORMS WITH THE INTERDEPARTMENTAL DATA PROTOCOL
13 ESTABLISHED PURSUANT TO SECTION 24-37.5-704, C.R.S., AND THAT IS IN
14 COMPLIANCE WITH ALL STATE AND FEDERAL LAWS, RULES, AND
15 REGULATIONS CONCERNING THE PRIVACY OF INFORMATION; AND

16 (f) IDENTIFICATION OF TRAINING AND PROFESSIONAL
17 DEVELOPMENT NEEDS ASSOCIATED WITH IMPLEMENTING INFORMATION
18 SHARING BETWEEN RESPONSIBLE ENTITIES AND FUNDING SOURCES THAT
19 COULD BE UTILIZED FOR THIS PURPOSE.

20 (2) NOTHING IN THE SECTION SHALL ALTER THE RIGHTS AND
21 OBLIGATIONS OF THE DEPARTMENT OF EDUCATION OR ANY LOCAL AGENCY
22 CREATED PURSUANT TO TITLE 22, C.R.S.; 20 U.S.C. SEC. 1400 ET SEQ.; 29
23 U.S.C. ET SEQ.; 42 U.S.C. SEC. 11431 ET SEQ.; AND 42 U.S.C. SEC. 675 ET
24 SEQ., AS AMENDED BY THE FEDERAL "FOSTERING CONNECTIONS TO
25 SUCCESS AND INCREASING ADOPTIONS ACT OF 2008", PUB.L. 110-351.

26 **SECTION 4.** 22-32-138 (2) (a), Colorado Revised Statutes, is
27 amended to read:

28 **22-32-138. Out-of-home placement students - transfer**
29 **procedures - absences - exemptions.** (2) (a) Each school district and
30 the state charter school institute, created pursuant to section 22-30.5-503,
31 shall designate an employee of the school district or the institute to act as
32 the child welfare education liaison for the district or for state charter
33 schools. In lieu of designating an employee, a school district or the state
34 charter school institute may contract with an individual to act as the child



1 welfare education liaison. SCHOOL DISTRICTS AND THE STATE CHARTER
2 SCHOOL INSTITUTE SHALL REPORT BY AUGUST 15, 2010, AND EACH
3 AUGUST 15 THEREAFTER, THE NAME AND CONTACT INFORMATION OF THE
4 CHILD WELFARE EDUCATION LIAISON TO THE STATE DEPARTMENT. THE
5 STATE DEPARTMENT SHALL BE RESPONSIBLE FOR POSTING THAT
6 INFORMATION ON THE STATE DEPARTMENT WEB SITE AND PROVIDING THE
7 INFORMATION TO THE DEPARTMENT OF HUMAN SERVICES. The child
8 welfare education liaison shall be responsible for working with child
9 placement agencies, county departments, and the state department to
10 facilitate the prompt and appropriate placement, transfer, and enrollment
11 in school of students in out-of-home placement within the school district
12 or who are enrolled or enrolling in institute charter schools. The specific
13 duties of the child welfare education liaison shall include, but need not be
14 limited to:

15 (I) Working with social workers from county departments,
16 juvenile probation officers, and foster care parents to ensure the prompt
17 school enrollment of students in out-of-home placement and the prompt
18 transfer of their education information and records when students are
19 required to change school enrollment due to changes in placement;

20 (II) Ensuring that the education information and records of a
21 student in out-of-home placement are delivered to the student's new
22 school within five school days after receiving a request for the transfer of
23 the student's education information and records from a county department
24 as required in subsection (3) of this section; AND

25 (III) RECEIVING THE REQUIRED NOTIFICATION AND INVITATION TO
26 PARTICIPATE IN A TRANSITION PLANNING MEETING REGARDING THE
27 ENROLLMENT IN A PUBLIC SCHOOL OF A JUVENILE IN AN OUT-OF-HOME
28 PLACEMENT PURSUANT TO SECTION 22-2-138.

29 **SECTION 5. Safety clause.** The general assembly hereby finds,
30 determines, and declares that this act is necessary for the immediate
31 preservation of the public peace, health, and safety."

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